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# REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

## I. INTRODUCTION

1. In its resolution 1141 (1997) of 28 November 1997, the Security Council decided to establish a United Nations Civilian Police Mission in Haiti (MIPONUH) with a mandate limited to a single 12-month period ending on 30 November 1998 in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police. In the same resolution, the Council requested me to report on the implementation of the Mission's mandate every three months from the date of the adoption of the resolution. The present report is submitted in response to that request.

2. As I indicated in my report of 31 October 1997 (see S/1997/832, para. 42), Mr. Enrique ter Horst, my Special Representative in Haiti, relinquished his functions on 30 November 1997. Mr. Julian Harston, whom I appointed to succeed Mr. ter Horst as my Representative in Haiti and Head of MIPONUH, assumed his duties on 10 January 1998 (see S/1997/1006 and 1007).

## II. POLITICAL SITUATION

3. As I informed the Security Council in my report of 31 October 1997 (S/1997/832), the consolidation of democracy in Haiti has been undermined by the absence of a Prime Minister since 9 June 1997. The institutional crisis, which stems from divisions within the ruling Lavalas coalition, has now entered its ninth month. Thus, the already fragile situation of four months ago, which in turn brings ever more pressing economic and social concerns, has been further exacerbated.

4. Following Parliament's rejection of Prime Minister-designate Éric Pierre, President René Préval nominated the newly elected Dean of Port-au-Prince University, Mr. Hervé Denis, to the post on 12 November 1997. In his public pronouncements, Mr. Denis emphasized the need to temper structural adjustment with measures to improve the social welfare of the country. However, no agreement was reached by the two main Lavalas factions on the 6 April 1997 elections and other policy issues, as required by the Organisation du peuple en

lutte (OPL), formerly known as the Organisation politique Lavalas, prior to its endorsement of a new Prime Minister.

5. The first vote in the Chamber of Deputies, on 23 December 1997, on the ratification of Mr. Denis was deemed inconclusive by the then President of the Chamber, Mr. Kely Bastien. On 14 January 1998, however, a majority of Deputies present voted to confirm the record of the 23 December session according to which the ratification of Mr. Denis had failed. President Kely Bastien refused to sign the record. The debate was cut short when the new President of the Chamber, Mr. Vasco Thernélan (OPL), wrote to President Préval on 27 January informing him of the official and final decision of the Bureau of the Lower House to reject his nominee.

6. In an attempt to address the electoral issue, President Préval announced, on 3 November 1997, the resignation of six of the nine members of the Provisional Electoral Council (CEP) and the establishment of a Presidential Committee (Commission présidentielle d'appui au Conseil électoral provisoire) to report on the electoral process. The OPL objected to the fact that the President and Vice-President of the CEP were not among the six CEP members who had tendered their resignation and demanded the replacement of the Council's entire membership. It also questioned the composition of the Presidential Committee and later refused to meet with it.

7. In his New Year's address, as well as his speech at the opening session of Parliament, President Préval reiterated that the crisis had to be solved in accordance with the Constitution, which did not authorize him to disband the CEP, to overrule the April elections or to dissolve Parliament.

8. On 7 January 1998, the OPL made public a nine-point programme to solve the crisis and announced that it had sent two emissaries to President Préval and former President Jean-Bertrand Aristide. The programme called for an agreement on the establishment of a mediation panel, the withdrawal of all OPL and Lavalas Family candidates who had run for office in the April elections, the formation of a new CEP, negotiations on government policy, the consensual selection of a Prime Minister and a legislative agenda, including economic reforms.

9. So far, the two major Lavalas parties have failed to open negotiations. Meanwhile, the OPL has focused successfully on consolidating its power in the Chamber of Deputies. The new Bureau elected on 20 January comprises exclusively Deputies from the OPL and the Independent Parliamentary Group (GPI), which has since been dissolved, following several resignations that reduced its membership below the threshold required to constitute an official parliamentary group. OPL candidate Vasco Thernélan was elected President in replacement of Kely Bastien (PLB), who did not seek re-election. The post of Vice-President went to Axmen Antoine, of the Independent Group. The Anti Neo-Liberal Group abstained and questioned the ability of the new leadership to fulfil its functions.

10. A process of dialogue among Haitian political leaders and civil society representatives began at a seminar held in Canada from 25 to 27 January 1998 under the auspices of the International Peace Academy. Aimed at both confidence- and consensus-building, the process is expected to help promote a

better understanding of the structural problems facing Haiti and to contribute, directly or indirectly, to a solution of the current crisis.

11. The issue of the next elections is likely to dominate 1998. While calls for early legislative elections or the voluntary resignation of members of Parliament have failed to build momentum, the date of the elections is being debated. Most parliamentarians argue that the Constitution, which entitles them to a four-year mandate, should take precedence over the February 1995 Electoral Law, which foresees elections in November 1998 and cuts their term to a little more than three years in order to restore the regular electoral cycle, which was disrupted by the coup d'état. Consequently, they ask that elections be postponed by some nine months. On the other hand, the Lavalas Family maintains that there is no contradiction between the Constitution and the Electoral Law and that the next elections should take place in November. President Préval also favours holding elections by the end of the year, but would like a consensus to be reached on that issue. In any case, elections cannot be held without prior agreement on the composition of the CEP, which will be charged with their organization.

12. It is heartening to note that the secure and stable environment established under previous United Nations peacekeeping missions has held since the departure of the United Nations Transition Mission in Haiti (UNTMIH), the residual military elements of which left the country at the end of January 1998. On the negative side, however, there has been little change in the level of criminal activity, including organized crime related to drug trafficking, which has been a constant worry to the Haitian authorities. Although most instances of lawlessness do not appear to have a political motivation, the recent assassination of a security officer of the foundation led by former President Aristide (Fondation Aristide pour la démocratie) and the lynching of a police station chief (commissaire) in Mirebalais, have raised fears of a possible return of politically motivated killings. It is too early to say whether these two incidents reflect a specific pattern. My Representative in Haiti is monitoring the situation closely and following investigations by the Haitian National Police into the incidents.

13. A further cause for concern is the looming confrontation between the Government and some municipalities, especially that of Port-au-Prince, over weapons held by municipal authorities. The stand-off arose when the Government call for such weapons to be turned over to the Haitian National Police met with open opposition from the municipal authorities, who argue that they needed the arms for their protection.

## III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

14. Upon the completion of the UNTMIH mandate on 30 November 1997, all United Nations military personnel were withdrawn from Haiti. In establishing MIPONUH, the Security Council decided that the new Mission would be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel. As at 12 February 1998, the civilian police element of MIPONUH included 285 officers from Argentina, Benin,

Canada, France, India, Mali, the Niger, Senegal, Togo, Tunisia and the United States of America (see annex). The Mission's special police unit arrived in Haiti in December 1997 and the substantive police element was redeployed during that month in keeping with the new mandate. The civilian police element is now deployed in all nine départements, including six commissariats in the Port-au-Prince metropolitan area, at the headquarters of the Haitian National Police and with its specialized units.

15. It will be recalled that, in his letter to me of 29 October 1997, President Préval underlined that it was important to continue to work to strengthen the Haitian National Police, especially in the areas of personnel and property management, and in the training of specialized units to combat growing insecurity, banditry and drug trafficking (see S/1997/832, annex II). Accordingly, during the reporting period, the Mission addressed those issues specifically and undertook an assessment of the capacity of the Haitian National Police in the areas of personnel and matériel management (see para. 22).

16. In addition to the above, the Mission, as previous United Nations missions in Haiti, has continued to focus on training specialized units of the Haitian National Police compagnies d'intervention et de maintien de l'ordre and the Bureau des affaires criminelles (which encompasses the Brigade criminelle and the Bureau de lutte contre le trafic de stupéfiants), as well as on the force's capacity in information and operations analysis, traffic and community policing. However, while previous missions concentrated on the training needs of rank-and-file agents, MIPONUH has given special attention to training at the supervisory level. The Mission's activities with the Haitian National Police are complemented by the technical advisers of the United Nations Development Programme (UNDP), who assist the Director-General and his senior staff, as well as the directors of the nine départements.

17. The Mission continues to coordinate its activities closely with the UNDP technical advisers and with the International Criminal Investigative Training Assistance Programme of the United States, which complements the technical assistance provided by MIPONUH and UNDP in operations analysis and Palace security and provides basic training at the Haitian National Police Academy. In addition, the Mission continues to organize, jointly with the International Civilian Mission (MICIVIH) of the Organization of American States (OAS) and the United Nations, seminars and workshops aimed at increasing the awareness and sensitivity of Haitian National Police officers to human rights issues.

## IV. HAITIAN NATIONAL POLICE

18. In an otherwise sober assessment of the performance of his administration in 1997 made at the opening session of Parliament in January 1998, President Préval praised the Haitian National Police for the considerable progress it had made, an assessment shared by the international community and other independent observers. It is generally acknowledged that the Haitian National Police has become less dependent on the United Nations civilian police, has improved its management and has strengthened reporting relationships both by building an effective cadre of commissaires and inspecteurs and by redeploying rank-and-file agents throughout the country to improve the balance in police coverage between

the capital and the provinces. Specialized units of the Haitian National Police emerged strengthened from another year of concentrated training efforts, which led to the establishment of a second compagnie d'intervention et de maintien de l'ordre in Port-au-Prince and the reinforcement of the unités départementales de maintien de l'ordre in the provinces. Among its accomplishments during 1997, the Haitian National Police also counted the dismantling of some 40 criminal gangs, the seizure of 2,180 kilograms of cocaine and similar drugs and the confiscation of 276 illegal weapons.

19. This positive picture of the Haitian National Police should, however, be seen against the backdrop of some less encouraging aspects of its performance, which have included recurring human rights abuses by rank-and-file agents and poor leadership by some commissaires and directeurs départementaux. In addition, there has been an increase in arrests on grounds of allegedly subversive activities against the State. In some of those cases, the Haitian National Police and government prosecutors were ultimately unable to provide sufficient evidence to justify the arrests, some of which were further marred by police brutality against the suspects. Fear remains that the fledgling police force could be manipulated by certain political groups, as has happened in the past. Furthermore, reports of involvement of police officers in common crimes, including drug trafficking, and indications of corruption among the ranks continue to be cited.

20. The Inspector-General of the Haitian National Police has continued his relentless efforts to rid the force of its bad elements. In 1997, his Office processed 765 complaints of misconduct by members of the National Police; 142 of these were investigated and referred to the Director-General for further action and resulted in 82 dismissals from the force. By the end of January 1998, the Inspector-General's Office had received a total of 2,126 such complaints since the establishment of the National Police in 1995. Investigations of those complaints have led to the dismissal of 215 members and the suspension of some 500 others. However, allegations of mistreatment by police officers have yet to be taken as seriously as they should.

21. Some 500 new policemen are expected to join the Haitian National Police this month and it is anticipated that the force will continue to grow from under 5,000 in 1997 to its targeted strength of 6,726. Regrettably, however, training of the new officers continues to be delayed by the lack of resources. Bearing in mind the inability of National Police officers to reach outlying areas, President Préval and the Director-General of the Haitian National Police have announced plans to establish a rural police force to complement the National Police. The details of the project have not yet been spelled out, although it is understood that the rural police would operate with less well-paid cadres with lower educational qualifications than the present members of the Haitian National Police, and that local government authorities (collectivités territoriales) would be involved in their initial selection. No request has been made to MIPONUH for any assistance in connection with the recruitment of the rural police, nor is there any indication of the impact that this additional category of police will have on the command structure, training programmes, logistics arrangements, personnel management and operational planning of the Haitian National Police. There seems to be broad agreement, however, that all

new efforts to improve security in Haiti must be integrated within the structure of the National Police.

22. A Haitian National Police report on personnel and property management has revealed that, owing to poor management practices, the vehicle fleet of the force has a high number of inoperable vehicles, a situation that has in turn hampered the force's ability to conduct patrols and to respond to emergencies. The report makes recommendations on ways to strengthen computerized inventory management and on the application of procedures for vehicle use and maintenance. On personnel management, the report presents recommendations on assessment of performance of Haitian National Police officers, career development, payroll and benefits administration, where numerous weaknesses have been detected. Above all, the report attempts to establish a relationship between attendance, performance, compensation and promotion and, by creating such linkages, to increase commitment among policemen to the law enforcement objectives of the National Police at large.

23. As I indicated in my report of 31 October 1997 (S/1997/832), most of the numerical targets for the establishment and development of the Haitian National Police into a full-fledged force, including the appointment of senior officers, deployment of personnel, accommodation and communication facilities, as well as record-keeping, have by now been largely attained, albeit in varying degrees. It should be noted that these benchmarks, many of which were conceptualized in the early stages of the establishment of the force, have a quantitative bias. While the establishment of those criteria and the monitoring of their attainment have served a most useful purpose and continue to do so in the further development of its assistance to help professionalize the Haitian National Police, MIPONUH is now paying greater attention to ways of enhancing its review of the qualitative development of the force. This initiative is also in response to the expressed wish of the Director-General of the National Police. In this regard, it is relevant to note that a slight decrease in crime was noted by MIPONUH during the month of January 1998 compared with the previous month. While cautioning against drawing hasty conclusions from the crime statistics, the Mission attributes this decline to a more visible police presence resulting from better deployment and increased patrolling.

## V. JUSTICE SYSTEM

24. Haiti's justice system remains based largely on old and inadequate laws, with few real changes to its main structures. However, while the need to improve the justice system is real, the difficulties entailed should not be underestimated. Over time it has become more and more evident that the necessary reform is an integral part of the democratization process in the country. The preparatory commission for justice reform in December 1997 completed a report that was to develop a strategy and action plan for judicial reform. The report is to be presented officially within the coming weeks.

25. During the month of January 1998, the administration of justice was impaired in several départements by repeated strikes of government prosecutors and justices of the peace, who demanded pay raises and improvements in working conditions. The strikes have ended for the time being, despite the fact that

the Minister of Justice was unable to meet the strikers' demands. Training at the École de la magistrature was interrupted for several weeks in December 1997 as a result of disagreements over students' stipends and related concerns. Courses have, however, resumed and classes are now being taught according to schedule to the school's 60 students, 14 justices of the peace and 46 attorneys. It is noteworthy that the Constitution states that the graduates of the 24-week course should be approved by the local government authorities.

26. The office of the ombudsman was officially inaugurated on 4 November 1997. Despite limited resources, this independent institution appears to have made serious efforts so far to fulfil its mandate. In a press conference held on 22 December, the ombudsman gave an overview of the work already accomplished, as well as of his plans for the months to come. To generate publicity for the office, a commercial featuring the ombudsman's activities has been developed together with MICIVIH and is at present being broadcast on Haitian radio and television stations.

27. On the question of the victims of the coup d'état, President Préval has named a coordinator for the preparation of the Raboteau trial, which deals with the 1994 massacre perpetrated in the Gonaïves neighbourhood of Raboteau. The preparations for the trial appear to have progressed well and in January 1998 some of the defendants were questioned by a judge (juge d'instruction) assigned to the case. Ten senior military officers belonging to the previous regime have also been charged with involvement in the massacre. Furthermore, arrests have been made and indictments issued against several suspects in the 1987 massacre of more than 100 people in Jean-Rabel (North-West Department). The arrests were made pursuant to warrants issued by a juge d'instruction in 1995.

## VI. DEVELOPMENT ACTIVITIES

28. Haiti's economic performance remained below expectations in 1997. At slightly over 1 per cent, growth in GDP was driven by the construction industry, which expanded by more than 11 per cent during the 1996/97 fiscal year, leading to an overall growth of almost 6 per cent in the industrial and manufacturing sector. The service sector was largely stagnant, with the exception of financial institutions, but including tourism, and there was a 2 per cent decline in agricultural production. It is encouraging to note that, according to international development banks present in Haiti, the country is well-placed to move into a path of steady economic growth, provided that political stability returns, which, combined with an improved regulatory environment and a continued emphasis on privatization, would be sufficient to create a climate of confidence for increased local as well as foreign direct investment. The good governance called for in my earlier reports, which ties in with the strengthening of the regulatory framework governing commercial activities, may of course become an increasingly elusive goal in the absence of a Prime Minister and seven government ministers.

29. As a result of the continuing crisis, the Government remains unable to attract sufficient concessionary financing. The Inter-American Development Bank alone has put sector loans of $160 million on hold that could otherwise have served for urgently needed infrastructure investments, which in turn could have created significant employment opportunities.

30. In meetings between the World Bank, UNDP and other donors, the need for increased dialogue with both the executive and legislative branches of government has been emphasized, but members have had to acknowledge the limitations of such an approach under the present political circumstances. Recently, UNDP has proposed absorbing some of the funds that international development banks have been unable to release, given their statutory limitations in making disbursements for development projects in the absence of a Prime Minister.

31. Facing significant funding reductions in its country programme, the UNDP country office is discussing with national counterparts the refocusing of its technical assistance programme to address certain priority projects. Such efforts, which have the support of President Préval, have been directed at a pivotal project for the creation of employment in rural areas, as well as at a project to support decentralized planning for regional development.

32. As regards direct UNDP support for the work of MIPONUH, the UNDP police project remains of fundamental importance, as does the prison reform project. The latter project has already significantly improved procedures in prison administration, a fact acknowledged by Haitian human rights groups and MICIVIH.

## VII. OBSERVATIONS

33. The international community is deeply concerned that Haiti is still without a functioning Government after more than eight months. Not only does the political impasse have consequences for the economic and social development of a country in dire need of economic relief, it also jeopardizes the consolidation of democracy and seriously compromises international cooperation. I therefore reiterate my appeal to the Haitian authorities and political leaders to negotiate an end to the crisis, including the electoral dispute, which has had negative repercussions for many months, in a spirit of tolerance and reconciliation, with a view to reaching an agreement that will allow their country to start moving again towards democracy.

34. As I have stated in my previous reports and as President Préval has emphasized, the Haitian National Police continues to make steady progress. Nevertheless, the absence of a functioning judicial system severely hinders its ability to carry out its tasks and to ensure the prosecution of those officers who do not conduct themselves properly. The fact that incidents of human rights violations, corruption and other misconduct continue to be reported, notwithstanding the efforts of the Inspector-General of the Haitian National Police to rid the force of unqualified elements, is cause for concern. While I am aware of the difficulties entailed in revamping the judicial system, I must stress that, without a functioning judiciary, the international community's efforts to help create an effective, politically neutral and professional police force could become increasingly difficult. I therefore strongly urge the Haitian authorities to move forward urgently in the area of judicial reform and call on the international community to provide the necessary assistance in that regard. A respected and effective judicial system is one cornerstone of a functioning democracy.

## Annex

## Composition of the United Nations Civilian Police Mission in Haiti as at 12 February, 1998

| Country | Special police unit | Substantive element |
|---|---|---|
| Argentina | 139 | 5 |
| Benin | - | 6 |
| Canada | - | 23 |
| France | - | 35 |
| India | - | 4 |
| Mali | - | 20 |
| Niger | - | 5 |
| Senegal | - | 8 |
| Togo | - | 7 |
| Tunisia | - | 3 |
| United States of America | - | 30 |
| Subtotal | 139 | 146 |
| Total | 285 | |

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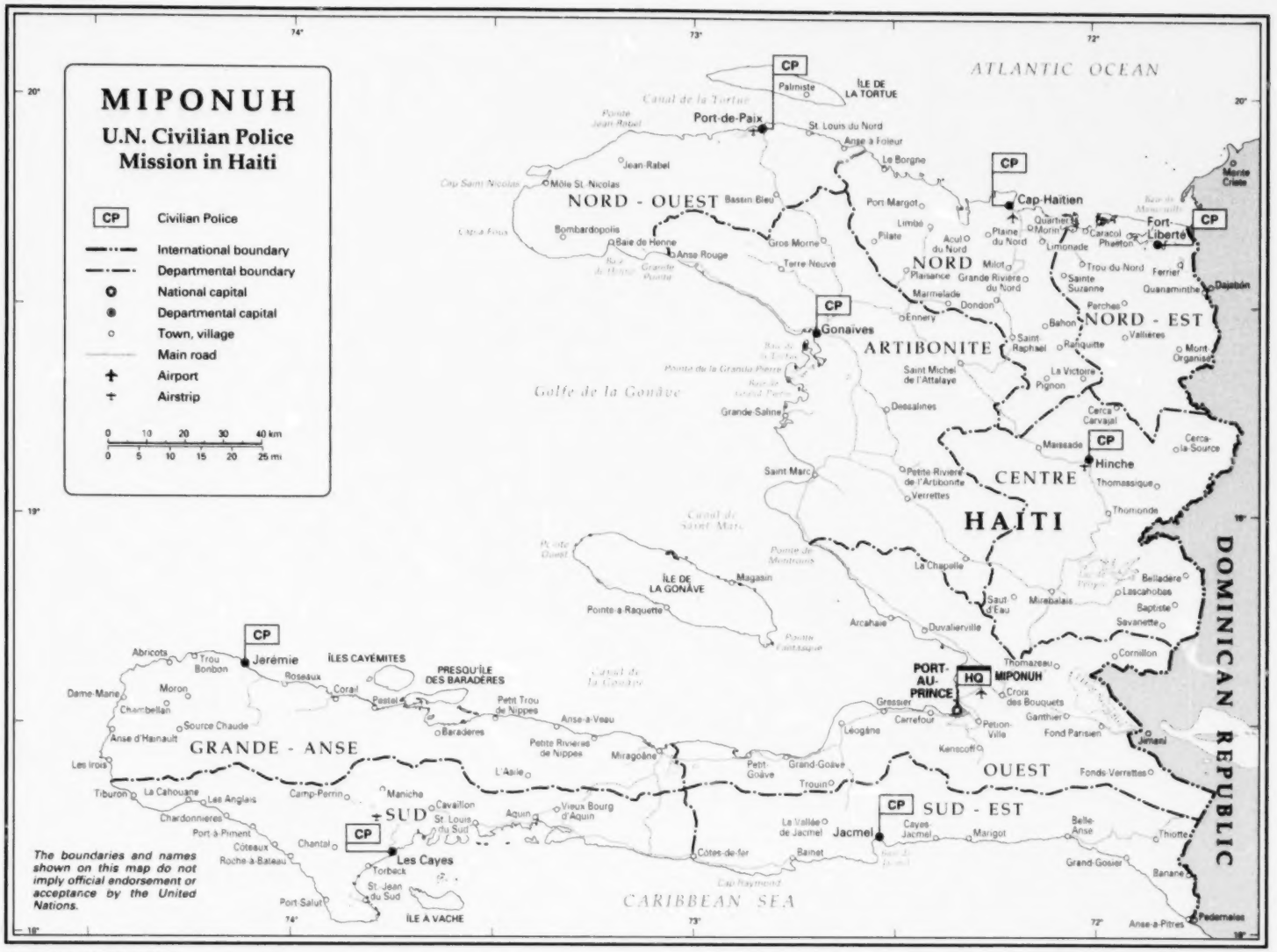


Map No. 4042 UNITED NATIONS
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